

1 WEST VALLEY CITY, UTAH

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3 ORDINANCE NO. 08-42  
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6 Draft Date: 8/12/2008  
7 Date Adopted: \_\_\_\_\_  
8 Date Effective: \_\_\_\_\_  
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10 AN ORDINANCE ENACTING CHAPTER 17-22A AND  
11 CHAPTER 17-35 OF TITLE 17 OF THE WEST VALLEY CITY  
12 MUNICIPAL CODE REGARDING VENDING AND  
13 TEMPORARY BUSINESSES.  
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16 WHEREAS, the Vending and Temporary Business sections of Title 17 need to  
17 be renumbered as a result of the implementation of the Solicitation Ordinance; and  
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19 WHEREAS, the rising number of vendors, particularly food vendors,  
20 necessitates the implementation of more specific restrictions and regulations; and  
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22 WHEREAS, several City departments, including the Fire Department, Planning  
23 and Zoning, and Business Licensing coordinated to create restrictions and regulations that  
24 would protect the public as well as the vendors; and  
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26 WHEREAS, the proposed restrictions and regulations are incorporated in the  
27 Vending sections herein; and  
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29 WHEREAS, the City Council of West Valley City, Utah, hereby determines that it is in the best  
30 interest of the health, safety and welfare of the citizens of West Valley City to enact Chapter 17-22A and  
31 Chapter 17-35 of Title 17 of the West Valley City Municipal Code regarding vending and temporary  
32 businesses.  
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34 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as  
35 follows:  
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37 Section 1. Repealer. Any provision of the West Valley City Code found to be in conflict with  
38 this Ordinance is hereby repealed.  
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40 Section 2. Enactment. Chapter 22; 22A and Chapter 35 of Title 17 of the West Valley City  
41 Municipal Code is hereby enacted to read as follows:  
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43  
44 CHAPTER 17-22A  
45 VENDING

46 Sections:

47 17-22A-101. Vending Restrictions.  
48 17-22A-102. Vending Regulations.  
49 17-22A-103. Vending License.  
50 17-22A-104. Mobile Food Vending Vehicle Restrictions.  
51 17-22A-105. Prohibited Conduct.

17-22A-106. Use of Public Streets.

**17-22A-101. VENDING RESTRICTIONS.**

No vendor shall be permitted to operate in the following areas of public space:

- (1) Within 150 feet of any street intersection or pedestrian crosswalk.
- (2) Within 50 feet of any driveway, loading zone, or bus stop.
- (3) Within 50 feet of another vending location assigned to another vendor on a public sidewalk.
- (4) Within a minimum of 25 feet of unobstructed pedestrian space.
- (5) In any area within 300 feet of a building entrance or exit, or, in the case of a hotel or motel, within 250 feet of building entrances or exits.
- (6) On the median strip of a divided roadway, unless the strip is intended for use as a public way, pedestrian mall, or plaza.
- (7) Against display windows of fixed location businesses.
- (8) Any area within two blocks of a hospital, college, university, elementary school, middle school, or high school.
- (9) Within 50 feet of any fire hydrant or fire escape. No vending is allowed in a designated fire zone.
- (10) Within 25 feet of any parking space or access ramp designated for persons with disabilities.
- (11) Within any parking area, unless a portion of the parking area is blocked off by the property owner expressly for the use of vending, and the vending location otherwise complies with the distance limitations imposed by this Section.
- (12) Within two hundred feet (200') from any existing or proposed residential use.
- (13) Within fifteen feet (15') from a building
- (14) Within thirty feet (30') from a building entrance
- (15) Within ten feet (10') from a fire hydrant
- (16) Within twenty feet (20') from a public street right-of-way and an adjacent property
- (17) Within five feet (5') of any handicapped parking space, or access ramp.

In addition, vendors:

- (18) Shall not reduce sidewalks to a clear width of less than five feet (5')
- (19) Shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic or access to businesses.
- (20) Shall not operate within five hundred feet (500') of another food vending unit/vehicle.
- (21) Must be at least 50' from any storm drain inlet of catch basin and shall not dispose of any materials, or allow any materials to drain into the street, storm drain or catch basin including any water or solution used to clean the site.
- (22) Must be placed on concrete or asphalt and not in a landscaped area. Damaged vegetation due to the food vending unit, vehicle, vendor or patrons shall be immediately replaced by the food vending permit holder.
- (23) All trash, litter, spills, grease, oil and food residue within a twenty-foot (20') radius on site must be maintained in a cleanly manner and cleaned on a regular basis.
- (24) The site must have adequate parking to accommodate the primary use on site as well as 5 additional parking spaces (1 for employee, 2 for the food vending unit and 2 for customers) for the food vending use.
- (25) Restroom facilities for the vendor must be available within 500' of the food vending unit during all hours of operation.

101 **17-22A-102. VENDING REGULATIONS.**

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103 (1) The food vending unit or vehicle must be removed from the site daily and stored and  
104 cleaned at a commissary approved by the Salt Lake Valley Health Department. Storage on site, at a  
105 personal residence or other location not approved by the Salt Lake Valley Health Department is  
106 prohibited.

107 (2) All cooking must be conducted at the approved Commissary or on approved cooking  
108 surfaces that are constructed as part of the food vending unit or vehicle. Additional cooking appliances on  
109 site (i.e., crock pots, portable rice cookers, etc.) or food preparation at a residence are not permitted.

110 (3) Vendors shall not solicit or conduct business with any person in a motor vehicle, public  
111 sidewalk or street.

112 (4) Vendors shall not use any flashing lights, noise, sound or motion producing devices that  
113 attracts attention to its operation.

114 (5) A valid Food Service Permit from Salt Lake Valley Health Department shall be available  
115 at all times.

116 (6) Food vending hours of operation may begin at seven o'clock (7:00) A.M. and the  
117 business shall be closed and the food vending unit or vehicle shall removed from the site by twelve  
118 o'clock (12:00) midnight.

119 (7) A valid permit card issued by West Valley City must be displayed on the front of the  
120 food vending unit at all times.

121 (8) Attachment Regulations.

122 (a) One (1) umbrella is permitted for a food vending cart operator in addition to any  
123 awnings or covers that are specifically manufactured as part of the food vending  
124 cart. It shall have a minimum vertical clearance to the sidewalk of seven feet (7')  
125 if they extend beyond the edge of the cart. It shall not exceed a height of eight  
126 (8'), and shall not exceed forty (40) square feet in area and shall not be placed  
127 directly above any cooking surface.

128 (b) No additional overhead structures, tarps, etc. shall be permitted on the food  
129 vending unit or adjacent to the unit.

130 (c) No tables, seating or additional overhead structures shall be provided on site for  
131 customers.

132 (d) Vehicles shall not be enclosed with tarps or any other overhead structure or  
133 attached to the food vending unit in any way and shall be parked at least 20' from  
134 any food vending unit.

135 (e) The vendor shall be limited to three coolers (stacked), one beverage container,  
136 one trash receptacle and one chair external to the food vending unit. Coolers shall  
137 not exceed 3.75 square feet each in size.

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139 (9) All food vending units and all mobile food vending vehicles must meet all of the requirements  
140 listed in Title 7, Chapter 30 of the West Valley City Municipal Code.

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142 **17-22A-103. VENDING LICENSE.**

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144 (1) Food vending unit licenses are capped by population at one per every 8,000 residents.

145 (a) The current population is estimated at 124,089.

146 (b) One cart per 8,000 residents amounts to 15 carts.

147 (c) No more than 15 carts shall be licensed at any time.

148 (2) Licenses shall be subject to an annual business license renewal process.

149 (3) The applicants that meet the above mentioned cart requirements may sign their name on a  
150 waiting list from April 1-May 1 of every year. A new list will be compiled every year.

151 (4) Licenses will be awarded by May 15.

- (5) The licensing period for food vendors shall begin on July 1 of each calendar year.
- (6) If these dates fall on a weekend or holiday the following Monday will be used.
- (7) If more than 2 violations occur during the license season the license may be revoked and the license will be awarded to the next applicant on the waiting list.
- (8) Food vendors who are properly licensed will have the right of first refusal for subsequent license renewals provided the licensee has not received more than 2 violations during the permit season.
- (9) For the purposes of this section violations from the Health Department are based on number of closures of the food vending unit.
- (10) A separate license is required for each location.
- (11) A license is valid for one food vending unit per location.
- (12) The license is non-transferable and subleasing is not permitted.
- (13) If the use is abandoned for more than 30 days, the license will be terminated and awarded to the next applicant on the waiting list.
- (14) Permit Application Requirements. If you have been selected to receive a license, prior to final approval, all persons desiring to operate a food vending unit in the City, shall submit a completed food vending permit application to the West Valley City Planning and Zoning Division. All requirements, attachments and fees set forth on the application shall be satisfied and submitted with the application before the application shall be deemed completed. No application for a food vending unit shall be considered by Planning and Zoning Division until it is completed. If the requirements below can not be met within 30 days of the license issuance the license will be forfeited and granted to another applicant. The following information shall be provided:
- (a) A completed application, signed and notarized by the PROPERTY OWNER
  - (b) The appropriate fee shall be paid.
  - (c) Written description or menu of all products to be sold.
  - (d) A photograph showing the width, length and height of the food vending unit.
  - (e) Photograph or illustration showing all attached signage with dimensions.
  - (f) A site plan showing the exact location of the food vending unit with setbacks to the building, building entrance, handicap parking stalls, storm drain, fire hydrants and property lines.
  - (g) Information on how the food vending unit was manufactured.
  - (h) Prior to the issuance of any permit, the Salt Lake Valley Health Department and the West Valley City Fire Department and Building Inspection Division shall inspect and approve any food vending unit.
  - (i) Must provide a copy of the restroom agreement that was submitted to the Salt Lake Valley Health Department.
  - (j) Must provide the address of the Commissary location that is approved by the Salt Lake Valley Health Department.

#### **17-22A-104. MOBILE FOOD VENDING VEHICLE RESTRICTIONS.**

- (1) A mobile food vending vehicle shall not remain at any one location for more than one hour per day.
- (2) For the purposes of this section, any location within five hundred (500) linear feet is considered the same location.
- (3) All items related to the operation of a food vending vehicles shall be kept either on or in the truck.

#### **17-22A-105. PROHIBITED CONDUCT.**

No person authorized to engage in the business of vending under this Chapter shall do any of the following:

- (1) Unduly obstruct pedestrian or motor vehicle traffic flow.
- (2) Obstruct traffic signals or regulatory signs.
- (3) Stop, stand, or park any vehicle, pushcart, or any other conveyance upon any street for the purpose of selling during the hours when stopping, standing, and parking have been prohibited by signs or curb markings.
- (4) Leave any conveyance unattended at any time, or store, park, or leave such conveyance in a public space overnight.
- (5) Use a handcart or pushcart whose dimensions exceed four feet in width, six feet in length, and seven feet in height.
- (6) Use any stand or other fixed-location conveyance whose dimensions exceed five feet in width, eight feet in length, and seven feet in height.
- (7) Use any conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, the licensee's employee, or an attendant.
- (8) Sell any goods, wares, or merchandise within the right-of-way of public streets in a commercial or manufacturing zone; or within 200 feet of the boundary of a commercial or manufacturing zone; or in the right-of-way of arterial streets that have been, or shall be hereafter, so designated by the City.
- (9) Sound any device that produces a loud and raucous noise, or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate Chapter 24-22 of the City Code, "Noise Control."
- (10) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant; create a nuisance; increase traffic congestion or delay; constitute a hazard to traffic, life, or property; or obstruct adequate access to emergency and sanitation vehicles.
- (11) Conduct business on private residential property.
- (12) Conduct business on private commercial property, without the express written consent of the property owner.
  - (a) The written consent shall state the areas of the private property where business may be conducted.
  - (b) Written consent is required to obtain a license under Section 17-22-203.
  - (c) A person conducting business on private property must comply with this Part, in addition to any restrictions imposed by the private property owner.

#### **17-22A-106. USE OF PUBLIC STREETS.**

- (1) It shall be unlawful to sell, offer to sell, or display for sale retail merchandise from or on motorized vehicles on public streets without a valid business license and except as authorized by this Title.
- (2) Each person or business selling, offering to sell, or displaying for sale retail merchandise from or on motorized vehicles on public streets shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license or Police work card, and is a class B misdemeanor:
  - (a) The motorized vehicle shall have a clearly-audible backup warning device that activates whenever the vehicle is shifted into reverse gear.
  - (b) The motorized vehicle shall have a convex mirror mounted on the front of the vehicle so that the driver, in a normal driving position, can see the area in front of the vehicle that is obscured by the hood.
  - (c) The motorized vehicle shall have a flashing yellow beacon on the roof of the vehicle that is visible from all sides of the vehicle. This beacon shall be activated whenever merchandise is being sold, offered for sale, or displayed for sale.

- (d) The motorized vehicle shall have an operable swing-arm attached to its left side. This swing-arm shall be of a type, size, and description approved by the City, and shall be activated whenever the vehicle stops to sell, offer to sell, or display merchandise on a public street.
- (e) The motorized vehicle shall be prohibited from pulling any type of trailer.
- (f) If the merchandise being sold, offered for sale, or displayed for sale includes any item intended for human consumption, the vehicle shall be inspected and approved by the Salt Lake County Health Department on a yearly basis.
- (g) Retail merchandise may be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets only between the hours of one hour after sunrise and one hour before sunset. Sunrise and sunset shall be determined on any particular day by the times listed that day in any major newspaper published in Salt Lake County.
- (h) Retail merchandise may not be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets where the speed limit exceeds 25 miles per hour.
- (i) The operator of the motorized vehicle shall not sell to any person standing in the roadway.
- (j) The operator of the motorized vehicle shall sell, offer to sell, or display for sale retail merchandise only when the vehicle is completely stopped and lawfully parked, and shall sell only from the rear or side of the vehicle nearest to the curb or edge of the roadway.
- (k) The motorized vehicle shall not be moved backwards in order to sell, offer to sell, or display for sale retail merchandise.
- (l) Each applicant for a license or renewal under this Section shall submit, with its application, evidence of general liability insurance in an amount not less than \$500,000. The applicant must submit to the City a certificate of insurance that provides that the policy cannot be canceled prior to giving the City at least 10 days written notice of cancellation.
- (m) The motorized vehicle and operator must comply with all other requirements of this Chapter and any other requirements of ordinance or statute that may be applicable.

(3) Each person selling, offering to sell, or displaying for sale retail merchandise from or on motorized vehicles on public streets shall obtain a West Valley City Police work card prior to beginning operation. The City may deny, suspend, or revoke a work card and license, if applicable, if the applicant or licensee has received a moving traffic violation within the last 12 months.

(4) The prohibitions of this Section shall not be construed to prohibit vehicles from carrying business markings or advertising not otherwise prohibited by law, nor shall they prohibit delivery of merchandise which was not sold or purchased on public streets.

## **CHAPTER 17-35**

### **TEMPORARY BUSINESSES**

#### **Sections:**

- 17-35-101. Information Required for Participation in Sales Events or a Temporary Business.
- 17-35-102. Temporary Sales Event Sponsors.
- 17-35-103. Temporary Sales Event Participants.
- 17-35-104. Determination of Status - Appeals.

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#### **17-35-101. INFORMATION REQUIRED FOR PARTICIPATION IN SALES EVENTS OR A TEMPORARY BUSINESS.**

A temporary business, sponsor and sponsor's participants must submit to the Business License Division, at least 10 days prior to a sales event, a completed temporary business license application which includes the following information:

- (1) The complete name of the business. If the business is using a fictitious name, the applicant must submit evidence of State of Utah Department of Commerce registration of the name;
- (2) The complete business mailing address and telephone number;
- (3) Business owner(s) name, home address, telephone number and business contact person's name, if different from owner;
- (4) The address of the sales event or business location;
- (5) Description of the product, service or company being represented;
- (6) Temporary Sales tax number assigned by the Utah State Tax Commission;
- (7) Evidence of a temporary use permit issued by Planning and Zoning (if applicable);
- (8) Evidence of compliance with Board of Health regulations, if required;

- (9) The dates of commencement and termination of the sales event or temporary business.

Applications received within four days of the sales event will be denied. Applications received after the 10-day deadline, but before four days prior to the event, will be charged a late fee as outlined in the Consolidated Fee Schedule, in addition to the license fee.

#### **17-35-102. TEMPORARY SALES EVENT SPONSORS.**

The Temporary Sales Event Sponsor shall:

- (1) Collect and review each individual participant's application to insure compliance with Section 17-35-101.
- (2) Submit a list of all participants in the sales event in addition to the completed applications.
- (3) The Sponsor shall submit the information to the Business License Division.

#### **17-35-103. TEMPORARY SALES EVENT PARTICIPANTS.**

The Temporary Sales Event Participant must submit their application for a temporary business license through the Temporary Sales Event Sponsor. If the Sponsor is unwilling to act as the Sponsor for the Participant, the Participant must apply as a Temporary Sales Event Sponsor.

Any Temporary Sales Event Participant applications received after the Sponsor has submitted the list of participants will be treated as Temporary Sales Event Sponsors.

#### **17-35-104. DETERMINATION OF STATUS - APPEALS.**

The applicant may appeal the Director's decision to the License Hearing Board, pursuant to Chapter 17-3 of this Title.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER